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7/20/23

July 20, 2023

Via ECF

Honorable Vincent L. Briccetti
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *USA v. Donnat Powell*
23-Cr-3515 (VB)


Dear Judge Briccetti:

I am writing to seek the Court's permission for Mr. Powell to travel to Jamaica for one week commencing at a date yet to be determined for his aunt – Carbeth Gardner Foye. Both Pretrial Services and the Government have advised that they are taking no position on this request and will leave it to the Court's discretion. As a result, the Government has taken no position on this request as well.

APPLICATION GRANTED

Ordinarily, the Court finds it unacceptable for the government or Pretrial Services to "take no position" on an application to modify the conditions of pretrial release, especially after a guilty plea. However, here, the Court interprets the government's deference to Pretrial Services to mean that whatever Pretrial Services thinks is appropriate is fine with the government. The Court has communicated with Pretrial Services and has been advised that Pretrial Service has "no objection" to the request to travel to Jamaica for one week. Accordingly, the request is granted, on condition that defendant provide Pretrial Services with a detailed itinerary at least 48 hours before commencing travel and that he return his passport to Pretrial Services immediately upon his return.

SO ORDERED:



Vincent L. Briccetti, U.S.D.J. 7/20/2023

Mr. Powell is a United States Citizen naturalized from Jamaica where he grew up. After affectively being abandoned by his mother at a very young age, Mr. Powell was raised by his aunt in Jamaica, who he has considered to be his mother figure, and with whom he has always been close. Mr. Powell learned of his aunt's passing on Tuesday of this week as he was on route from his residence in New Jersey to attend his presentence interview with the Probation Department. When the interviewing Probation Officer asked why had not asked to postpone the interview he replied that he had a commitment to come to court and knew that it was important to abide by his promise to appear.

Following tradition in Jamaica, rather than a funeral that takes place immediately upon the death of an individual, families have a funeral, memorial, and family gatherings for one week usually a few weeks after the death.

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Mr. Powell has been fully compliant with the conditions of his pretrial release to date. Additionally, he accepted responsibility and negotiated to plea within hours of having been arrested. While Mr. Powell is facing incarceration as a result of his guilty plea in this case, the applicable guideline range in this case is not high. If Mr. Powell were to not return to the United States, the penalties he would be facing after being returned to the United States would be significantly higher on the underlying conviction, as well as his exposure for bail jumping.

Based on the foregoing, it is respectfully requested that the Court permit Mr. Powell to travel to Jamaica for a period of one week. If granted, Mr. Powell will advise Pretrial Services of his full itinerary, and will return his passport immediately upon his return to the United States.

Thank you for the Court's consideration of this request.

Respectfully submitted,

Kerry A. Lawrence

Kerry A. Lawrence

cc: AUSA Jared D. Hoffman (via ecf)
AUSA Derek Wikstrom (via ecf)